

**Greenberg  
Traurig**



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JC06 Rec'd PCT/PTO 15 SEP 2005

**Transmittal Cover Sheet**

**From:**  
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To:	Fax No:	Company:	Phone No.:
Office of Initial Patent Examination	(703) 746-9195	U.S. Patent and Trademark Office	

**File No.:** 75954-010100

**Re:** 10/534,644

**Date:** September 15, 2005

**No. Pages:** Including Cover Sheet 5

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tsuyoshi Suda	Examiner:	To Be Assigned
Serial No.	10/534,644	Group Art Unit:	2856
Filed:	February 18, 2005	Docket No.	75954-010100
Title:	HYDROGEN GAS SENSOR		

## CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to the Office of Initial Patent Examination Facsimile No. (703) 746-9195 on September 15, 2005.

Sherie Wagoner  
Name: Sherie Wagoner

REQUEST FOR REFUND UNDER 37 CFR §1.26& REQUEST TO CORRECT UNINTENTIONAL ERROR IN ENTITY STATUS

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir/Madam:

We respectfully request a refund of the fees outlined below. Applicant only authorized \$500.00 in fees, but was mistakenly charged \$ 1,000. Applicant has attached a copy of the transmittal letter filed on May 11, 2005 which clearly claims small entity status. Specifically, this transmittal letter authorizes a filing cost of \$500.00 which is in accordance with a small entity fee. However, the Patent Office mistakenly charged the deposit 50-2638. (Attorney Docket 75954-010100) account \$1,000 in fees, which amounts to a \$500.00 overcharge. Accordingly, this may indicate that the USPTO is also treating the Applicant as a large entity. Thus, we respectfully request the Patent Office refund the \$500.00 overcharge amount and note that the Applicant's status is a small entity.

Accordingly, under 37 CFR §1.26, we request a refund for the following fees.

- i) The \$300.00 Basic Filing Fee – Utility: Applicant authorized for payment in the patent application transmittal form filed on May 11, 2005 for only \$150.00, but was overcharged by \$150.00.

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Serial No. 10/534,644

PATENT  
Docket No. 75954-010100

- ii) The \$500.00 Utility Search Fee: Applicant authorized for payment in the patent application transmittal form filed on May 11, 2005 for only \$250.00, but was overcharged by \$250.00.
- iii) The \$200.00 Utility Examination Fee: Applicant authorized for payment in the patent application transmittal form filed on May 11, 2005 for only \$100.00, but was overcharged by \$100.00.


Thus, Applicant requests a total refund of \$500.00.

We have attached a copy of the Application Transmittal Form filed May 11, 2005 which displayed Small Entity Status and a total authorized charge of \$500.00.

We request correction of the entity status be assigned **Small Entity** and an updated filing receipt reflecting the correct entity status. The Commissioner is authorized and requested to credit a total amount of **\$500.00** to Deposit Account No. 50-2638. Please reference Attorney Docket Number 75954.010100 in any transactions connected with this application.

Respectfully submitted,

Date: September 15, 2005

  
\_\_\_\_\_  
E. Nair Flores  
Reg. No. 54,103

Customer Number 33717  
GREENBERG TRAURIG, LLP  
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Sep-15-05

03:56pm

From: GREGORY TRAURIG

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T-755 P.004/005 F-768

FORM PTO-1390  
(REV 04/04)

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NO.

SUGIMURA NEW

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
N/A**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**INTERNATIONAL APPLICATION NO.  
PCT/JP2005/002642INTERNATIONAL FILING DATE  
18 February 2005PRIORITY DATE CLAIMED  
19 February 2004TITLE OF INVENTION  
HYDROGEN GAS SENSORAPPLICANT(S) FOR DO/EO/US  
SUDA, Tsuyoshi [JP/JP] et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Return postcard from the DO/EO/US confirming receipt of US 371 National Phase Application

**EXPRESS MAIL MAILING LABEL**

NUMBER EV310 126 732US

DATE OF DEPOSIT May 11, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313.

*Marie M. Nuguid*  
Marie M. Nuguid

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) N/A		INTERNATIONAL APPLICATION NO. PCT/JP2005/002642		ATTORNEY'S DOCKET NUMBER SUGIMURA NEW	
17. <input checked="" type="checkbox"/> The following fees are submitted: <input checked="" type="checkbox"/> (a) Basic National Stage Fee \$300.00 <input checked="" type="checkbox"/> (b) National Stage Search Fee \$500.00 <input checked="" type="checkbox"/> (c) National Stage Examination Fee \$200.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 1,000.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	0 - 20 =		x \$ 50.00	\$ 0.00	
Independent Claims	0 - 3 =		x \$ 200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360.00	\$ 0.00	
National Stage Application Size Fee -- for each additional 50 sheets that exceeds 100 sheets			+ \$ 250.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,000.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$1,000.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
TOTAL FEES ENCLOSED =				\$500.00	
				Amount to be refunded:	\$
				Charged	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-2638</u> in the amount of \$500.00 to cover the basic filing fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-2638</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:  Charles Berman, Esq. Greenberg Traurig LLP 2450 Colorado Avenue, Suite 400B Santa Monica, California 90404  Dated: May 11, 2005			<u>Margo Maddux</u> SIGNATURE  NAME: Margo Maddux  <u>50.962</u> REGISTRATION NUMBER		

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